

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76816

Kenichi NAKATAKE, et al.

Appln. No.: 10/649,657

Group Art Unit: 1731

Confirmation No.: 6914

Examiner: Queenie S. DEHIGHAN

Filed: August 28, 2003

For: OPTICAL APPARATUS

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Patent Application Publication No. 7-201702, published August 4, 1995 (with English abstract).
2. Japanese Patent Application Publication No. 2002-3227, published January 9, 2002 (with English abstract).
3. Japanese Patent Application Publication No. 11-305419, published November 5, 1999 (with English abstract).

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/649,657

Atty. Docket No.: Q76816

(whichever is earlier), but before payment of the Issue Fee, and therefore the statutory fee of \$180.00 under 37 C.F.R. § 1.17(p) is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. Applicant is submitting herewith a Statement Under 37 C.F.R. § 1.97(e).

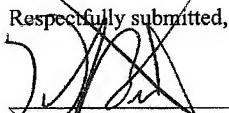
The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. § 1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action, dated February 6, 2007, and an English translation thereof which cites such documents and indicates the degree for relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

  
Howard L. Bernstein  
Registration No. 25,665

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 28, 2007

|   |   |                          |                    |
|---|---|--------------------------|--------------------|
| Substitute for Form 1449 A & B/PTO                              |   | <i>Complete if Known</i> |                    |
| <b><u>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</u></b> |   | Application Number       | 10/649,657         |
|   |   | Confirmation Number      | 6914               |
|   |   | Filing Date              | August 28, 2003    |
|   |   | First Named Inventor     | Kenichi NAKATATE   |
|   |   | Art Unit                 | 1731               |
|   |   | Examiner Name            | Queenie S. DEHGHAN |
| Sheet   | 1 | of                       | 1                  |
|   |   | Attorney Docket Number   | 076816             |

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

## **NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------|
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|                    |                       |  |                          |

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See *Kind Codes of USPTO Patent Documents* at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the internet. <sup>3</sup>Enter Office by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.

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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

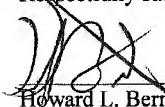
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

  
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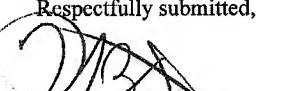
Commissioner for Patents  
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Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,



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